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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/492,544	01/27/2000	Michael K. Gschwind	Y0999-357(8728-320)	1007
46069	7590	01/27/2006	EXAMINER	
F. CHAU & ASSOCIATES, LLC 130 WOODBURY ROAD WOODBURY, NY 11797			MEONSKE, TONIA L	
			ART UNIT	PAPER NUMBER
			2181	

DATE MAILED: 01/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/492,544	GSCHWIND, MICHAEL K.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Tonia L. Meonske	2181	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 14 November 2005.  
 2a) This action is **FINAL**.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1, 3, 5-31, 33, and 35-41 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) Claims 1, 3, 5-11, 31, 33, and 35-41 is/are allowed.  
 6) Claim(s) 12-30 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date: _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 12-19 and 21-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katzman, US Patent 3,737,871 in view of Evoy et al., US Patent 5953741.

3. Claims 19 and 28 have been amended. Referring to claims 19 and 28, Katzman and Evoy et al. have taught the method according to claims 12 and 26, and further comprising the step of determining, by a first processor (Evoy, abstract, master processor of Evoy), whether the load instruction references a location in any stack, including the local stack, using a register of a second processor (Evoy, abstract, slave processor of Evoy) (Katzman, column 4, line 35, column 4, lines 22-47), when the load instruction does not reference the location using the architecturally defined register (Katzman, column 4, line 35, column 4, lines 22-47).

4. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Katzman, US Patent 3,737,871 in view of Evoy et al., US Patent 5953741, and further in view of Wing et al., US Patent 5,926,832.

5. The rejections are respectfully maintained and incorporated by reference as set forth in the last office action, mailed on August 9, 2005.

### ***Response to Arguments***

6. Applicant's arguments filed with respect to claims 12-19 and 21-30 on November 14, 2005 have been fully considered but they are not persuasive.

7. On page 15, Applicant argues in essence:

*"Katzman operates stack registers using "specialized stack operations" (see col. 4, lines 31-35). The specialized stack operations operate on the stack by definition. Thus, Katzman does not teach or suggest, inherently or otherwise, "determining whether an instruction references a location in a local stack using an architecturally defined register for accessing a stack location", as claimed in Claim 12 and similarly in claim 26."*

Applicant is correct in that Katzman has taught specialized stack operations (column 4, lines 5-25, 31-35, column 6, lines 22-47). However, not all of the instructions in the processor of Katzman are stack operations. So when the processor of Katzman decodes an instruction and determines that it is a stack operation, then Katzman has determined that an instruction references a location in a local stack as claimed. Therefore Katzman has in fact taught determining whether an instruction references a location in a local stack using an architecturally defined register for accessing a stack location (column 4, lines 5-25, 31-35, column 6, lines 22-47). Therefore this argument is moot.

***Allowable Subject Matter***

8. Claims 1, 3, 5-11, 31, 33, and 35-41 are allowed.

***Conclusion***

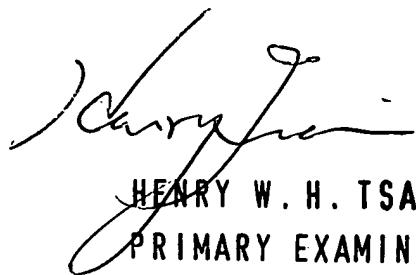
9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

10. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tonia L. Meonske whose telephone number is (571) 272-4170. The examiner can normally be reached on Monday-Friday, with every other Friday off.
12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Huynh can be reached on (571) 272-4147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

tlm

 1/23/06  
HENRY W. H. TSAI  
PRIMARY EXAMINER